

APR 04 2019

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY AS DEP CLK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NORTH CAROLINA**

RENE ROBINSON, individually  
and as ADMINISTRATRIX of the  
ESTATE OF VELVET LEE FOOTE

Plaintiff(s)

Vs.

Golden Living Center, a/k/a  
GGNSC HOLDINGS, LLC d/b/a Sava  
Senior Care, LLC d/b/a McGregor  
Downs Health and Rehabilitation  
Center and Neil Kurtz.

Defendant(s)

Civil Action

File No. 4:19-cv-47-H

---

**Plaintiff's Notice of Removal**

Plaintiff, Rene Robinson, Pro Se, pursuant to 28 USCA § 1446, request removal of this action from Superior Civil, Appellate and Supreme Courts to Federal District Civil Court based on the following grounds:

1. The action was filed in Superior Civil Court for the County of Pitt, State of North Carolina (Docket No. 16-CVS-2712) and is now before the North Carolina Supreme Court on a Writ Certiorari requesting Discretionary Review. Process, including Summons and Complaint, were filed with Pitt County Clerk of Court on November 22, 2016 and Defendant Golden Living Center aka GGNSC HOLDINGS, LLC d/b/a Sava Senior Care, LLC d/b/a McGregor Downs Health and Rehabilitation Center and Neil Kurtz was served on January 6, 2017. Defendant Neil Kurtz was served by USPS Certified Return Receipt; pursuant the N.C.R. Civil Pro. (4) on December 29, 2016.

2. The instant action alleges a violation of the United States Constitution, for which the surviving Plaintiffs seek redress under 42 USC § 1983; and, for which this Court has original jurisdiction under 28 USC § 1331.
3. The action is a Civil action involving Medical Malpractice by Defendants, which contributed to the untimely death of Plaintiff Rene Robinson's mother, and as a consequence, involves an amount exceeding \$75,000 between parties with diverse citizenship and for which this Court has Original Jurisdiction Under and pursuant to 28 USC § 1332. The serving Plaintiffs are citizens and residents of the State of North Carolina. The Defendants Golden Living Center, GGNSC HOLDINGS, LLC, Sava Senior Care, LLC., McGregor Downs Health and Rehabilitation Center and Neil Kurtz, MD are residents and Corporations of Foreign States, specifically Washington State; Georgia, Arkansas and Texas. Golden Living Center was previously registered with the State of North Carolina as a Foreign Corporation. A change of Ownership occurred since the commencement of this action. In addition, it was only recently discovered in a Contractual Handbook Agreement, which defendants required the surviving Plaintiff to sign at about the same time defendants acts of malpractice was beginning where care should have been delivered. This was prior to the surviving Plaintiff's mother's untimely death. Defendants' handbook specifically states that matters of controversy shall be brought before the Federal Judiciary.
4. Plaintiff is entitled to remove action from the State Court System to this court pursuant to 28 USCA § 1446(a).
5. Copies of all Process, Pleadings and orders served on Defendants are attached and filed.

April 3, 2019

Date

Respectfully Submitted,

By: 

## **Certificate of Service**

This is to certify that the undersigned had the date served this document upon all other parties to this cause by depositing in the above-captioned action all other parties to this cause by depositing a copy hereof, postage prepaid, in the United States Mail, properly addressed to the attorney for each of the defendants as follows:

Brain H. Alligood, LLC.  
BOVIS KYLE BURCH & MEDLIN  
800 Green Valley Rd., Suite 102  
Greensboro, NC 27408

This the 3rd day of April, 2019.